

**ARBITRATION UNDER  
THE NORTH AMERICAN FREE TRADE AGREEMENT  
AND THE 2010 UNCITRAL ARBITRATION RULES**

Between

**DETROIT INTERNATIONAL BRIDGE COMPANY**

(on its own behalf and on behalf of its enterprise The Canadian Transit Company)

*Claimant*

and

**THE GOVERNMENT OF CANADA**

*Respondent*

(and together with the Claimant, the “*Disputing Parties*”)

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**PROCEDURAL ORDER No. 5**

September 27, 2013

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**Arbitral Tribunal**

Mr. Yves Derains (Chairman)  
The Hon. Michael Chertoff  
Mr. Vaughan Lowe, Q.C.

**WHEREAS** on September 17, 2013, a conference call was held with the Disputing Parties and the Arbitral Tribunal, pursuant to paragraph 3 of Procedural Order No. 4;

**WHEREAS** during the conference call the Arbitral Tribunal and the Disputing Parties discussed the possibility of having a round of document production on jurisdiction and admissibility, and discussed and agreed on a schedule for further written submissions on jurisdiction and admissibility;

**WHEREAS** by e-mail of September 20, 2013, the Disputing Parties requested the Arbitral Tribunal that the hearing on jurisdiction and admissibility be held on the week of March 17, 2014. While Claimant informed that a one-day hearing is sufficient, Respondent believes that two days will be necessary. As for location of the hearing, the Disputing Parties deferred to the preference of the Tribunal as to whether Toronto, New York or Washington D.C. is more convenient and cost effective.

**THE TRIBUNAL DIRECTS AS FOLLOWS:**

1. After hearing the Disputing Parties, the Tribunal decides that a document production phase is not necessary at this point of the proceedings.
2. The following procedural calendar was agreed by the Disputing Parties and the Arbitral Tribunal:

<b>Date</b>	<b>Actions</b>	<b>Party/Parties</b>
November 22, 2013	Reply to DIBC's Counter-Memorial on Jurisdiction and Admissibility	Canada
January 10, 2014	DIBC's Rejoinder to Canada's Reply to DIBC's Counter-Memorial on Jurisdiction and Admissibility	DIBC
January 24, 2014	NAFTA Art. 1128 submissions and/or amicus curiae submissions (if any)	
February 14, 2014	Reply to eventual NAFTA Art. 1128 submissions and/or amicus curiae submissions	DIBC / Canada
March 20 and 21, 2014	Hearing on Jurisdiction and Admissibility	All

3. The Tribunal decides that the Hearing on Jurisdiction and Admissibility will take place in Washington D.C. The Disputing Parties will jointly make all necessary arrangements for the selection and booking of the hearing room and break-out

rooms, as well as court reporting. They will timely, and at the latest 3 months before the scheduled hearing, inform the Arbitral Tribunal of the arrangements made.

Place of arbitration: Washington D.C., USA



Yves DERAINS

Chairman of the Arbitral Tribunal